

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PENSKE MEDIA CORPORATION,

Plaintiff,

-against-

SHUTTERSTOCK, INC.,

Defendant.

USDC SDNY
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DATE FILED: 7/7/2021

1:20-cv-04583-MKV

SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court held a status conference in this case on July 7, 2021. This order memorializes the Court's rulings at the conference.

Defendant's motion to dismiss Plaintiff's Amended Complaint [ECF No. 35] is DENIED. An opinion explaining the Court's reasoning will follow in due course. As a result of the ruling on the motion, the stay of discovery for all claims addressed in Defendant's motion is lifted, and discovery with regard to those claims should begin promptly.

The deadline for all fact discovery is extended to November 24, 2021. This period will include all fact discovery including any discovery to be taken from third parties.

The deadline for expert discovery in this case is set for January 21, 2022. The parties should confer by the end of October 2021 about a schedule for the exchange of expert disclosures. Any such schedule does not require court approval provided that the parties comply with the January 21 deadline.


In furtherance of the issues discussed at the July 7 conference, the parties are directed to confer and submit a joint letter, filed on the ECF docket, on or before July 14, 2021, regarding settlement in this case. Specifically, the parties should address whether they agree on referral to

the Court-annexed mediation program or to a Magistrate Judge, or if the parties intend to pursue private mediation.

The Parties are directed to appear for a Post-Discovery Conference on February 2, 2022 at 11:00AM in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York. One week in advance of the conference, the parties must submit a joint letter in compliance with the Court's Individual Practices. The parties also are instructed to review the Court's Individual Practices related to summary judgment motions and pre-motion filings in anticipation of such motions. If either party anticipates filing a summary judgment motions, pre-motion filings should be submitted sufficiently in advance of the Post-Discovery Conference to allow the Court to review the filings.

SO ORDERED

Dated: July 7, 2021
New York, New York


MARY KAY VYSKOCIL
United States District Judge